

YOR920010159US1 **AFTER FINAL: EXPEDITED ACTION** 00280670PA  
Amendment dated 02/27/2008 Reply to office action mailed 12/27/2007

### **REMARKS**

Claims 1 and 3-30 are currently pending in the application. By this amendment, claim 1 is amended for the Examiner's consideration. The foregoing separate sheets marked as "Listing of Claims" show all the claims in the application, with an indication of the current status of each .

It is noted with appreciation that the Examiner has not maintained rejection of claim 30 under 35 U.S.C. §101.

The Examiner maintains his rejection of claims 1 and 3-30 under 35 U.S.C. §112, second paragraph, as being indefinite. In reply to the argument presented in the prior amendment, the Examiner accepts that the "plurality of equidistant, parallel axes" applies to the coordinate system, but then contends that the term "based on" (in contrast to "consisting of" or "comprising") leaves the GUI without a definition of metes and bounds. The Examiner draws an analogy to a film which may be "based upon" a book, noting that "based upon" "does not necessarily mean that all its attributes will be transferred to the film."

Exactly. Film is its own medium, and a film based on a book would typically carry over some portion of the book's attributes, from a little to a lot. One would not know from the mere phrase "based on" whether the film simply adopted the title, and nothing more, or slavishly followed the plot lines and character development. One might say, "the film has the same title as the book" or "the film includes characters A, B and C from the book but omits characters D and E". However, a "graphical user interface" typically presents a two (or sometimes three) dimensional image to the user. Such an image may be described by a variety of coordinate systems. Indeed, more than one coordinate system may be used, each being better suited for particular aspects of the image displayed.

In the present invention, what is claimed is a display convention enabling a user to compare a plurality of bids for a product or service having multiple attributes.

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The convention and its utility for the user is shown clearly in the figures, and the claim language provides a verbal description that corresponds to the display convention exemplified in the figures. To properly claim the invention it is appropriate to limit the claim language to the essential aspects of the enabling display convention, which is done in terms of equidistant parallel axes and bid lines. As will be emphasized below, the claimed bid lines are not possible under the Friesen teachings.

It would be incorrect – and is certainly not required by sensible patent language formalities – to require that the claim language specify in detail every aspect of a particular GUI implementation. It should be sufficient for an adequate “metes and bounds” description to specify the essential aspects, otherwise the “metes and bounds” would be worthless because an infringer could simply vary a non-essential aspect. It is believed that “based on” is suitable, because **the essential details** of the enabling display convention are specified.

These essential details are shown in Figs.5-14. It will be helpful to demonstrate the correspondence between the claim language and the graphical display shown in these figures, and in particular Fig. 12. This figure is set forth as a graphic image on the following page. The applicant’s remarks continue on the page following the graphic image of Fig. 12.